

# **EXHIBIT 2**

**FILED: NEW YORK COUNTY CLERK 09/26/2017 04:17 PM**

NYSCEF DOC. NO. 1695

INDEX NO. 650205/2011

RECEIVED NYSCEF: 09/26/2017

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: PART 54

-----X  
ROSEMARIE A. HERMAN, individually, as beneficiary  
of the trust created by Harold Herman as Grantor under  
agreement dated March 1, 1990 and as beneficiary of the  
trust created by Rosemarie A. Herman as Grantor dated  
November 27, 1991 et al.,

Index No.: 650205/2011

**ORDER AND JUDGMENT**

Plaintiffs,

-against-

JULIAN MAURICE HERMAN; J. MAURICE  
HERMAN, as Trustee of the J. Maurice Herman  
Revocable Trust dated October 28, 2002; J. MAURICE  
HERMAN, as Trustee of the trust created by Harold  
Herman as Grantor under agreement dated March 1,  
1990; et al.,

Defendants.

-----X  
JULIAN MAURICE HERMAN,

Third-Party Plaintiffs,

-against-

JOSEPH ESMAIL and SOLITA N. HERMAN,

Third-Party Defendants.  
-----X

**WHEREAS**, on April 28, 2017 the Court issued a Decision and Order, which was  
entered on May 2, 2017 (the "Judgment Order"), ordering that a judgment be entered against  
Julian Maurice Herman ("Maurice") as follows:

"ORDERED that upon service upon him of a copy of this order with notice of entry, the  
Clerk is directed enter judgment against Julian Maurice Herman as follows:

1. Julian Maurice Herman is hereby enjoined to cause Windsor Plaza, LLC, a Delaware  
limited liability company, to execute and record a deed conveying the real property located at  
952 Fifth Avenue, New York, NY, to Julian Maurice Herman and Ariel E. Belen, as temporary

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trustee of the trust created by Rosemarie A. Herman on November 27, 1991, as tenants in common;

2. in favor of Ariel E. Belen, as temporary trustee of the trust created by Rosemarie A. Herman on November 27, 1991, in the amount of \$32,198,836.59, plus prejudgment interest at 9% from January 2, 2003 in the amount of \$\*, and \$3,742,596.90, for a total sum of \$\*, with statutory interest from entry of judgment at 9%; and

*\* See  
adjudication  
paragraph*

3. in favor of Rosemarie A. Herman and Ariel E. Belen, as trustees of the Trust created by Harold Herman on March 1, 1990, in the amount of \$10,732,945.50, plus prejudgment interest at 9% from January 2, 2003 in the amount of \$\*, for a total sum of \$\*, with statutory interest from entry of judgment at 9%" (the "Decretal Directive"); and

**WHEREAS**, upon submitting a proposed judgment to the Clerk, as directed in the Decretal Directive, the New York County Court Clerk advised that it cannot enter a judgment for declaratory relief, but that only the Court can enter judgment for declaratory relief; and

**WHEREAS**, during a conference call by and among the parties and the Court on May 22, 2017, the Court directed Plaintiffs to submit a proposed order amending the April 28, 2017 Decision and Order so as to permit Plaintiffs in the above-captioned action to submit a proposed judgment directly to the Court for consideration and entry; it is hereby

**ORDERED** that the Decretal Directive is stricken and replaced with the following:

**"ORDERED and ADJUDGED** that:

1. Julian Maurice Herman is hereby enjoined to cause Windsor Plaza, LLC, a Delaware limited liability company, to execute and record a deed conveying the real property located at

**FILED: NEW YORK COUNTY CLERK 09/26/2017 04:17 PM**

INDEX NO. [REDACTED]

NYSCEF DOC. NO. 1695

RECEIVED NYSCEF: 09/26/2017

952 Fifth Avenue, New York, NY, to Julian Maurice Herman and Ariel E. Belen, as temporary trustee of the trust created by Rosemarie A. Herman on November 27, 1991, as tenants in common;

2. Ariel E. Belen, residing at 3920 Avenue P, Brooklyn, NY 11234, as temporary trustee of the trust created by Rosemarie A. Herman on November 27, 1991, shall recover from Julian Maurice Herman, residing at 5 Sloans Curve Drive, Palm Beach, FL 33480, the amount of \$32,198,836.59, plus prejudgment interest at 9% from January 2, 2003 in the amount of \$ 42,722,122.12, and \$3,742,596.90, for a total sum of \$ 78,663,555.61, with statutory interest from entry of judgment at 9%; and

3. Rosemarie A. Herman, residing at 36 Gramercy Park East, Apt. 5W, New York, NY 10003, and Ariel E. Belen, residing at 3920 Avenue P, Brooklyn, NY 11234, as trustees of the Trust created by Harold Herman on March 1, 1990, shall recover from Julian Maurice Herman, residing at 5 Sloans Curve Drive, Palm Beach, FL 33480, the amount of \$10,732,945.50, plus prejudgment interest at 9% from January 2, 2003 in the amount of \$ 14,240,707.33, for a total sum of \$ 24,973,652.83, with statutory interest from entry of judgment at 9%.”; and

Said judgment-creditors shall have execution thereon.

Dated: September 19, 2017

ENTER:

  
 Shirley Werner Konreich, J.S.C.

**FILED**  
 SEP 26 2017  
 COUNTY CLERK'S OFFICE  
 NEW YORK  
 as a Judgment

3

  
 Clerk

**FILED: NEW YORK COUNTY CLERK 09/26/2017 04:17 PM**

NYSCEF DOC. NO. 1695

INDEX NO. 650205/2011

RECEIVED, NYSCEF: 09/26/2017

650205/2011

Order + Judgment  
Attorney for Judgment Creditor  
Law offices of Craig Avedisian, P.C.  
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2-1  
**FILED AND  
DOCKETED**  
SEP 26 2017  
AT 3:04 P.M.  
N.Y. CO. CLERK'S OFFICE  
As a Judgment